

## **REMARKS**

Prior to entry of this Amendment:

- Claims 1-36, 38, and 39 were pending in the present application
- Claims 1-36, 38, and 39 are subject to election/restriction requirement

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims 1-36, 38, and 39 will remain pending
- Claims 3, 8, and 10-12 will be withdrawn
- Claims 1, 3, 8, 11, 12, 33, 36, 38, and 39 remain the only independent claims

### **A. Telephone Interview**

We would like to thank the Examiner for the helpful telephone conversation held on October 4, 2005, with our representative.

The Examiner stated that Claim 5 is generic. The Examiner indicated that Claim 38 is an example of Species I.

The Examiner clarified that Applicants are to elect for examination one of Species I and II, one of Species IV-VIII, and one of Species IX and X.

### **B. Claims 1, 4, 5, 7-20, 23-36, and 39 are Generic**

The Examiner has indicated that Claims 1, 5, 7-20, 23-36, and 39 are generic.

We submit that Claim 4 is also generic.

Claim 4, which depends from Claim 1, does not necessarily specify whether the customer is making a purchase from a merchant (designated Species I) or making a sale (designated Species II). Claim 4 qualifies the benefit received by the customer, and may but does not necessarily have anything to do with the type of transaction taking place between the customer and any other party. We respectfully request that the Examiner reconsider designating Claim 4 as generic.

**C. Species I is Elected**

In response to the Examiner's election of species requirement, we elect for examination Species I, generally involving a purchase by a customer from a merchant. Claims 2, 6, 21, 22, and 38 are consonant with the designated Species I.

Claim 3, which is the only claim directed to species II, remains pending but has been withdrawn.

**D. Sub-Species V is Elected**

In response to the Examiner's requirement that we elect one of Claims 8-12, we elect for examination Species V. Claim 9 is indicated as consonant with the designated Species V.

Claims 8 and 10-12, directed respectively to Species IV and VI-VIII, remain pending but have been withdrawn.

**E. Sub-Species X is Provisionally Elected**

In response to the Examiner's requirement that we elect one of Claims 25 and 26, we provisionally elect with traverse Species X for examination.

Claim 25 is indicated as consonant with the designated Species X, allegedly "drawn to a method of returning a security deposit to the customer by the merchant." Claim 26 is indicated as consonant with the designated Species XI, allegedly "drawn to a method of returning a security deposit to the customer by the third party."

We traverse the Examiner's characterization of Claims 25 and 26. Nothing in the explicit language of Claim 25 requires that "the merchant" specifically return the security deposit. For example, the merchant, a subsidy provider, or any other type of party could perform the step of arranging for the return of the security deposit by making the payment.

The explicit language of Claim 26 requires arranging specifically for a subsidy provider to provide a payment to the customer. The Examiner's assertion implies that the recited subsidy provider must be the party other than the merchant, as recited in independent Claim 1. The subsidy provider could be but is not necessarily the party other than the merchant. The only requirement of Claim 26 is that the arranging comprises arranging specifically for a subsidy provider to provide payment to the customer. Various types of parties could perform this arranging.

At least because the Examiner appears to mischaracterized the subject matter of Claims 25 and 26, we respectfully request reconsideration of the requirement of election between Species X and XI.

Claims 25 and 26 remain pending and neither has been withdrawn.

**F. Authorization to Charge Appropriate Fees**

We believe that a one-month extension of time is necessary to make this Response timely. Please grant a petition for any additional extension of time required to make this Response timely.

Please charge any appropriate fees necessary per the following information:

Charge: \$60.00

Deposit Account: 50-0271

Order No.: 00-039

Please credit any overpayment to the same account.

*A duplicate copy of this authorization is enclosed for such purposes.*


**G. Conclusion**

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael D. Downs at telephone number 203.461.7292 or via electronic mail at [Mdowns@walkerdigital.com](mailto:Mdowns@walkerdigital.com).

October 4, 2005  
Date

Respectfully submitted,

  
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